



General Assembly

January Session, 2013

Raised Bill No. 6487

LCO No. 3550



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE
EXPENSES OF REMOVING A FALLEN TREE OR LIMB.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2013*) (a) If a tree located on
2 private real property, other than real property owned by a nonprofit
3 organization qualified as a tax-exempt organization under Section
4 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
5 corresponding internal revenue code of the United States, as amended
6 from time to time, or a limb from such tree falls on an adjoining private
7 property owner's land, the owner of the real property from which such
8 tree or limb fell shall be liable for the expenses of removing such tree
9 or limb from such adjoining private property owner's land, if, prior to
10 such tree or limb falling: (1) An arborist, as defined in section 23-61a of
11 the general statutes, inspected the tree and documented that the tree or
12 limb was diseased or likely to fall; (2) the adjoining private property
13 owner provided notice to the owner of the real property from which
14 such tree or limb fell that the tree or limb was diseased or likely to fall
15 and requested that such tree or limb be removed or pruned; and (3) the
16 owner of the real property from which such tree or limb fell failed to

17 remove or prune such tree or limb after receiving such notice. If the
18 arborist requires access to the property to inspect the tree and the
19 property owner on which such tree is located refuses consent for such
20 inspection, the arborist may limit such inspection to the portions of the
21 tree or limb that are visible from the adjoining private property
22 owner's land.

23 (b) The provisions of this section shall not affect any rights of a
24 policyholder under a liability insurance policy, except that the
25 insurance company that issued such insurance policy may deduct from
26 any amount owed to such insured for a covered loss arising from such
27 tree or limb falling, the amount recovered by the policyholder
28 pursuant to subsection (a) of this section to the extent that such
29 amount would have been a covered loss under such insurance policy.

30 (c) The provisions of this section shall not be construed to limit any
31 person's right to pursue any additional civil remedy otherwise allowed
32 by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section

Statement of Purpose:

To impose liability on certain owners of private real property for the expenses of removing a tree or limb from a tree located on such property that falls on an adjoining private real property.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]